

**Town of Bethany Beach
Planning Commission Minutes
January 19, 2013**

The Bethany Beach Planning Commission held a meeting on Saturday, January 19, 2013 at 9:00 A.M. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Mike Boswell; Faith Denault; Fulton Loppatto; and Chuck Peterson. Excused member; John Gaughan

Also present: Susan Frederick, Building Inspector; Council member, Margaret Young; Jack Burbage; Lindsey Good, Administrative Secretary; and interested members of the public

OPENING OF MEETING

Mr. Killmer called the meeting to order at 9:00 a.m.

Approval of Agenda

Mr. Peterson made a motion to approve the agenda. Ms. Denault seconded the motion and it was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of November 17, 2012

Mr. Peterson made a motion to approve the minutes dated November 17, 2012. Seconded by Ms. Denault, the motion was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Denault/Killmer)

The Non-Residential Design Review Committee held a meeting in December 14th, 2013. The application submitted by Ann Raskauskas, tenant of 776 Garfield Parkway "Bethany Area Realty, LLC" for a new awning for her business located at Lot 2, Block 144, in the C-2 Commercial Zoning District, Bethany Beach, DE 19930 was unanimously approved. The Planning Commission also unanimously approved an application submitted by Kathy Dryden, tenant of 113 Garfield Parkway "Sandy Pawz" and "Sandy Toz", for new signage at both businesses for the property located at Lot 13, Block 105, in the C-1 Commercial Zoning District, Bethany Beach, DE.

Comments/Updates Regarding the January Town Council Meeting (Killmer)

- Town Council approved to amend the budget to reallocate \$130,000 that was partially from the funds returned for the undergrounding of utilities on Garfield Parkway to undergrounding utilities on the eastside of North Pennsylvania Avenue from Garfield Parkway to Campbell Place. Mr. Killmer added that ADA approved sidewalks and upgraded lighting are also part of the beautification project.

This beautification project will be beneficial to the Town because visitors will be more aware that there are also businesses located on the eastside of North Pennsylvania Avenue.

- Council approved the contract submitted by Verizon Delaware LLC to relocate Verizon's overhead wires to underground conduits on the eastside of North Pennsylvania Avenue for the amount of \$84,815.
- Council approved the purchase of a new third trolley for the amount for \$166,970.
- The contract for the Streetscape Project has been awarded by the Delaware Department of Transportation (DelDOT) to the company, A-Del Construction, based in Newark, Delaware with construction to begin in late February.
- The speed limit on Kent Avenue will be reduced from thirty-five miles an hour to thirty (30) miles an hour as part of a compromise agreement with DELDOT.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

NEW BUSINESS

Review and Possibly Recommend to Amend the Zoning Code Regulations Regarding Commercial Lodging Units as Requested by the Town Manager

Mr. Killmer introduced Mr. Jack Burbage to the Planning Commissioners, and explained that he will be presenting information on the first draft of his proposal for the construction of a hotel in the Town.

Mr. Burbage explained that when he presented information on his plans for construction to the Town Council members at the Town Council Workshop last week, he had not yet received the first draft of plans from any of the potential architects he contacted, but he has since received one set of sketch plans. A second set of sketch plans from a different architect should also be completed and submitted to him soon.

Mr. Loppatto stated that there are existing regulations in the Town Code that must followed, but the Planning Commission is trying to create standards that are constructive to everyone involved.

Mr. Killmer emphasized that one of the benefits of Planning Commissioners being able to review the proposed plans is that it allows them to visualize the overall size of the proposed project as well as the required off-street parking plans. He added that the property on the south side of the Hollywood Street location is zoned R-1 Residential and Mr. Killmer stated if approved that he wants this proposed project be done in a manor that will minimize negative impacts as is reasonably possible to the adjacent residentially zoned property owners.

Mr. Burbage explained that he wants to be considerate of surrounding property owners and does not intend for this project to be a disturbance. He added that he plans to develop attractive landscaping outside of the hotel that the nearby property owners will also enjoy.

At this time, Mr. Burbage presented and explained the illustration of the draft sketch floor plans to the Planning Commission. He explained that all Marriott hotels are required to have at least one-hundred (100) units. He would like to include a conference center and a first-class spa in the hotel, as well as indoor and outdoor pools. He would also like to include a restaurant on the boardwalk to serve hotel guests as well as the general public. In addition, there would be enough on-site parking for one hundred and twelve (112) units. In order for the project to work, all of the land must be utilized.

Mr. Burbage emphasized that he feels there should be more suites than regular rooms in the hotel. He explained that a suite is larger that includes a sitting room with a desk and a small kitchen. The regular rooms are smaller with a kitchenette. Mr. Burbage added that the Hilton hotel in Ocean City, Maryland has only suites and no regular rooms. The height of the hotel would be within the height requirements in the Town Code.

Mr. Burbage expressed that he believes that creating this hotel will be a huge benefit for the Town of Bethany Beach and he greatly appreciates the Planning Commission's consideration. He believes it will extend the vacation season for the Town and help those who hold events and retreats, since visitors will have more options of places to stay during their visit.

Mr. Boswell questioned what the timing is for the possible construction of the hotel. Mr. Burbage replied that the construction would begin in October 2013 and it would be completed by June of 2014, so it would not create any disturbance during the summer.

Mr. Loppatto asked Mr. Burbage if he discussed his plans with the owners of the property next to the potential construction location. Mr. Burbage responded that he has not yet spoken with the neighboring property owners regarding his construction plans.

Council member, Margaret Young, noted that there is a parcel located on the corner lot of Hollywood Street and south east side Atlantic Avenue, and asked Mr. Burbage if that building is going to remain there. Mr. Burbage explained that he does not own that property. Ms. Young asked if it is in his plans to acquire that property. Mr. Burbage said that as of right now, he first wants to see how the land that he already owns can be utilized, and then he would see if it would be possible to also purchase that property.

Hearing no further comments, the Planning Commissioner expressed their appreciation to Mr. Burbage for taking the time to review his plans on the potential construction of a new hotel.

Mr. Killmer explained that he reviewed the standards for Commercial Lodging Units in the Town Code and drafted proposed updates based on industry standards for the Planning Commission's consideration. The Planning Commission reviewed, discussed, and voted for the following changes to the Town Code for future consideration by the Town Council:

Industry Standards for Hotel Room Sizes:

Standard Guest Rooms; Budget/Economy Hospitality Service Providers 300 to 400 SF

First Class Hotels; Size of a Guest Room is = 650 SF

Suites; The Size of a Guest Room is between 800 to 950 SF

- *Economy or Budget Hotels usually have between 20 to 50 rooms*
- *Mid-Range Hospitality Service Providers have between 100 to 300 rooms*
- *First Class hotels have between 500 to 6,000 guest rooms and suites*

The Planning Commission suggested that the following definitions be added to Section 425-2 of the Town Code:

Livable floor area: *means the interior area of a dwelling unit, which may be occupied for living purposes by humans, excluding basements, open decks and attics. Livable floor area does not include an attached garage or any accessory structure and shall conform to the Bethany Beach Building Code for residential occupancy.*

Livable floor area square footage: *shall mean all floor area space in a room not including stairwells, hallways, columns, closets, toilet rooms, showers, bathrooms, but not limited to other features.*

Current Town Code:

425-22.C (Minimum livable floor area) has the following entry:

C. A commercial lodging room shall have no less than one-hundred and fifty (150) square feet of living floor area.

Proposed Update:

Suggest that 425-22.C be changed to the following:

C. A commercial lodging room shall have no less than two hundred (200) square feet of living area.

Changes to the Table of Dimensional Requirements Footnote e:

Current Code:

3. *Commercial lodging rooms:*
 - a. *Bedroom with kitchen facilities, per each: 800 square feet.*
 - b. *Bedroom, per each: 1,000 square feet.*

Suggested Code Update:

3. *Commercial lodging rooms:*
 - a. *-Bedroom, a minimum of three hundred (300) square feet per unit.*

Required Off-Street Parking For Commercial Lodging Units (Industry Standard)

One space for each unit for units 1 to 250; ¾ space for each unit for units 251 to 500; plus one space per 200 square feet of meeting/conference room.

After much discussion, Mr. Peterson made a motion to approve the proposed Town Code updates for Chapter 425, Commercial Lodging Units, as amended. The motion was seconded by Mr. Loppatto and unanimously approved.

Mr. Killmer addressed that Lots 9, 10, 11 and 12 in Block 110 are zoned as residential lots that have historically as well as currently consist of commercial lodging units not residential properties. Lots 9,10 and 11 are part of the Bethany Arms Motel complex and they are all located on the south eastside of Hollywood Street. He asked whether the Planning Commission wishes to consider recommending to the Town Council to vote to approve that these lots be re-zoned as C-1 Downtown Commercial. The members of the Planning Commission voted unanimously to request that the Town Council consider changing the zoning of Lots 9,10,11,12 in Block 110 to C-1 Downtown Commercial.

Review and Vote on the Proposed Update for the Definition of An Accessory Structure As Suggested by the Board of Adjustment

Mr. Killmer explained that as a result of the findings at a recent Board of Adjustment meeting, he drafted a proposed update to the definition of an Accessory Building (425-2 Definitions). The Commission reviewed and made the following changes to the draft:

Current Definition:

BUILDING, ACCESSORY

A detached building, not for habitation, accessory to and on the same lot with a principal building.

Proposed New Definition:

BUILDING, ACCESSORY

A detached building, not habitation, accessory to and on the same lot with a principal building. A building or other structure that does not have a wall and a roof in common with the principal building but is connected to the principal building by way of but not limited to a deck, walkway (covered or open), a buried foundation, knee wall, trellis, railings or any form of fencing shall be considered an accessory building/structure.

Mr. Peterson made a motion to recommend to Town Council to approve the proposed update to the definition of an accessory building as amended. Mr. Boswell seconded the motion and it was unanimously approved.

SUMMARY OF ACTION ITEMS

- A. Mr. Killmer will make the proposed amendments to the draft of the Town Code Updates for Commercial Lodging Units and send it to the Commissioners. He will make the necessary changes, if any, and then hold a vote at a Planning Commission meeting. If approved, it will move forward to be discussed at a Town Council Workshop, and public hearings will be scheduled.
- B. Ms. Frederick is coordinating with the Non-Residential Design Review Committee regarding a conflict with the Town Code. This item will be on the agenda to be discussed at the next Planning Commission meeting.
- C. Mr. Killmer noted that the issue with construction signs may need to be resolved by the Commission.

ADJOURN

Mr. Boswell made a motion to adjourn the meeting. Seconded by Mr. Peterson, the motion was unanimously approved. The meeting was adjourned at 10:15 a.m.

Respectfully Submitted:

Lindsey Good, Admin. Secretary